UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,895	12/27/2000	Yueheng Xu	ITL.0403US (P8986)	5241

21906 7590 08/12/2010

TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631

EXAMINER	
NGUYEN, CHAU T	

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
08/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YUEHENG XU

Appeal 2008-006142
Application 09/748,895[1]
Technology Center 2100

Before JOSEPH L. DIXON, LANCE LEONARD BARRY, AND JAY P. LUCAS, *Administrative Patent Judges*.

LUCAS, *Administrative Patent Judge*.

DECISION ON APPEAL[2]

---

[1] Application filed December 27, 2000. The real party in interest is Intel Corp.

[2] The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE" (paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Appellant appeals from a final rejection of claims 1 to 7, 11 to 17, 21 to 24, and 26 to 32 under authority of 35 U.S.C. § 134(a). The Board of Patent Appeals and Interferences (BPAI) has jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellant's invention relates to a system and method for displaying characters in different code formats of different byte-lengths. In the words of Appellant:

> A large number of characters may be represented by character codes without undue complication. For example, characters that are already represented by Unicode may be handled pursuant to the Unicode system within one 16-bit code. Characters that are not represented by Unicode may be handled in a second fashion. The characters that are not represented by Unicode may be represented by two 16-bit codes.

(Spec. 23).

The following claim is illustrative of the claims on appeal:

Claim 1:

> 1. A method comprising:
>
> receiving a file including characters;
>
> converting the characters of said file to a first code format having a double-byte length if the characters are of a first type;

converting the characters of said file to a second code format having a multiple double-byte length if said characters are of a second type; and

displaying the characters of the file using the first code format or the second code format.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Powell	US 6,157,905	Dec. 05, 2000
Lincke	US 6,397,259 B1	May 28, 2002
Rojas	US 6,425,123 B1	Jul. 23, 2002
Taieb	US 6,718,519 B1	Apr. 06, 2004

REJECTIONS

The Examiner rejects the claims as follows:

R1: Claims 1, 3 to 7, 11, 13 to 17, 21, 23, 24 and 26 to 32 stand rejected under 35 U.S.C. § 103(a) for being obvious over Powell, Taieb, and Rojas.

R2: Claims 2, 12 and 22 stand rejected under 35 U.S.C. § 103(a) for being obvious over Powell, Taieb, and Rojas and further in view of Lincke.

We have only considered those arguments that Appellant actually raised in the Briefs. Arguments that Appellant could have made but chose not to make in the Briefs have not been considered and are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUE

The issue is whether Appellant has shown that the Examiner erred in rejecting the claims under 35 U.S.C. § 103(a). The issue specifically turns on whether the references, particularly Rojas, teach multiple double-byte length character code formats.

FINDINGS OF FACT

The record supports the following findings of fact (FF) by a preponderance of the evidence.

1. Appellant has invented a method of encoding languages, especially those using Chinese characters, where the number of characters exceeds the capacity of a Unicode double-byte character set, and a multiple double-byte character set (4 bytes per character) must be employed (Spec. 9, bottom and 10, top). Normal ASCII characters sets use one-byte encoding (Spec. 6, middle), and normal Unicode characters use a double-byte (16 bits) (Spec. 4, bottom).

2. The Powell reference teaches automatically recognizing the language of a document (Col. 2, l. 44). It discloses characters sets using single byte characters when the language can be expressed in those characters (Col. 11, l. 48). It also discloses using characters sets of Unicode (two bytes, 65,536 characters) for languages requiring the larger number of codes (Col. 15, l. 41).

3. Rojas teaches preparing software for multi-language display text (Col. 1, l. 43). An extra byte is added to regular one-byte codes to make extra wide characters and to provide the space for the introduction of second byte needed for foreign languages (Col. 2, l. 55; col. 3, l. 7).

PRINCIPLES OF LAW

Appellants have the burden on appeal to the Board to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) ("On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of prima facie obviousness or by rebutting the prima facie case with evidence of secondary indicia of nonobviousness.") (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)).

ANALYSIS

Arguments with respect to the rejection of claims 1, 3 to 7, 11, 13 to 17, 21, 23, 24, and 26 to 32 under 35 U.S.C. § 103(a) [R1]

The Examiner has rejected the noted claims for being obvious over Powell, Taieb and Rojas. Appellant argues that "Powell nowhere teaches or suggests converting characters to a first code format having a double-byte length if the characters [are] of a first type and converting [the] characters to a second code format having a multiple double-byte length if the characters are of a second type." (App. Br. 11, middle). Further he argues that the other cited references do not contain that teaching (App. Br. 11, bottom). In response, the Examiner argues that if rendering single byte languages into double-byte is taught by Rojas, then it would be obvious to express multiple type character sets as multiple double-byte sets.

We cannot agree with the Examiner. In Rojas, the single byte ASCII is padded with extra blank bytes to allow the space for introduction of multi-byte languages in an undisclosed future (Col. 3, ll. 5 to 21). The Appellant's claim calls for converting characters from a file into different code formats

depending on the type of the character. While the claim is broad, it is not taught by Rojas. Nor do we find that any of the references teach the claimed multiple double-byte length of the second code format. Short of the disclosure in the Appellant's own specification, we find nothing in the art of record teaching or suggesting the need for a multiple double-byte length code format; and the use of that suggestion from the Appellant is impermissible hindsight. (*See KSR Int'l. Co. v. Teleflex Inc.,* 550 U.S. 398, 421 (2007).)

We thus find that the Appellant has demonstrated error in the Examiner's rejection.

Arguments with respect to the rejection of claims 2, 12, and 22 under 35 U.S.C. § 103(a) [R2]

The Examiner has rejected claims 2, 12, and 22 for being obvious over the same art as in rejection [R1], plus the reference Lincke. For the reasons stated above, we find that the Appellant has demonstrated error in the rejection.

CONCLUSIONS OF LAW

Based on the findings of facts and analysis above, we conclude that the Examiner erred in rejecting claims 1 to 7, 11 to 17, 21 to 24, and 26 to 32.

DECISION

We reverse the Examiner's rejections [R1 and R2] of claims 1 to 7, 11 to 17, 21 to 24, and 26 to 32.

REVERSED

peb

TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631